IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.117/02

Chetan Nath Chela Jyoti Nath Balai

Versus

State & Ors.

DATE OF ORDER :: 14/09/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Gajendra Bhawan for Mr. Anoop Dhand, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed by complainant-petitioner assailing the order dated 20th December, 1993 whereby learned trial Judge declined to take cognizance against accused-respondents – against which revision petition has been preferred which was dismissed on 18th August, 1999.

Complainant-petitioner submitted a report u/ss.451, 427 & 379 IPC at Police Station Neem-ka-Thana on 3rd March, 1988 in which it was alleged that in his absence, accused-respondents demolished Shivalaya Mandir and taken away certain articles from Shivalaya premises. Upon this report, Crime No.26/88 was registered and after investigation, the Investigating Officer submitted negative Final Report. At this stage

when notice was served upon petitioner, he submitted protest petition and the statements u/ss.200 & 202 Cr.P.C. were recorded. Learned trial Judge after taking into consideration the statements recorded and so also negative Final Report, arrived to a conclusion that prima facie no case is made out for taking cognizance against accused-respondents. Court of Revision also examined in detail the statements recorded and so also Final Report submitted by the Investigating Officer and upheld the finding recorded by learned trial Judge.

This court has gone through the order impugned and does not find any infirmity which may call for interference.

Consequently, the misc. petition fails and is hereby dismissed.

[AJAY RASTOGI],J.